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N.V. Jagadeesh S/o Narayanaswamy, aged 30 years
Occu: Unemployee, H.No.19-12-458, Bairagipatteda
Tirupati, Chittoor district

... Petitioner

And:

The Executive Officer,
Tirumala Tirupati Devasthanams,
Kapilatheertham Road, Tirupati
Chittoor district

... Respondent

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HON'BLE SRI JUSTICE G.V. SEETHAPATHY

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W.P.No.16126 of 2002

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ORDER:

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This writ petition has been filed seeking a Writ of Mandamus, declaring the action of the respondent in not calling the petitioner for interview as being arbitrary and in violation of principles of natural justice and for a direction to the respondent to permit the petitioner for interview to the post of Attender in the respondent office along with other candidates.

2. According to the petitioner, he belongs to S.T. community and he acquired the qualifications to hold the post of Attender and registered his name with the concerned Employment Exchange on 07.10.1992 and the respondent issued a notification and also a paper publication in the month of October 1999 calling applications for filling up the back log vacancies of S.C., S.T., P.H.C., and B.C., for the posts of Attender in the respondent's office. The petitioner complains that though he filed his application on 15.09.1999, he did not receive any call letter for interview for the post of Attender, whereas call letters were received by the persons having lesser qualifications. The petitioner, therefore, seeks a direction to the respondent to permit the petitioner to appear for interview to the post of the Attender.

3. The respondent filed a counter contending *inter alia* that in

response to the notification, thousands of applications including that of the petitioner were received and the applications were duly scrutinized and the T.T.D. Management took a decision to fill up the SC/ST back log posts in the year 2002 basing on the merit of the candidates and appointment orders were issued to the candidates basing on the merit taking into consideration their qualifications and marks, but not by conducting any interview for the post of Attender. It is further pleaded in the counter that thousands of applications were received from the candidates with qualifications of Graduation and Post Graduation, but the petitioner did not enclose the copies of the Provisional certificate/degree marks memorandum in support of his claim and he enclosed only S.S.C. and Intermediate certificates along with his application. The respondent, therefore, contended that the petitioner was considered as having qualification of Intermediate only, as he did not produce any evidence regarding his alleged degree qualification.

4. Heard the arguments of learned counsel for petitioner and respondent. Perused the records.

5. Learned counsel for the petitioner contended that the respondent gave notification to fill up 16 vacancies of STs, but having filled up only 15 vacancies, still one more vacancy is available and the petitioner case may be considered for the said vacancy. Learned counsel for the respondent on the other hand contended that all the vacancies are filled up and the petitioner, who is having only the qualification of Intermediate, does not stand anywhere near zone of consideration and therefore, the question of considering his application for appointment does not arise.

6. The contention of the respondent is that in view of the large number of applications that were received from Graduates and Post Graduates, the selections were made strictly on the basis of their

academic merit as evidenced by the certificates and marks memorandums issued by the concerned authorities and not on the basis of any test or interview. When there was no test or interview conducted at all, the question of issuing call letter to the petitioner or to any other candidate to appear for interview does not arise. The complaint of the petitioner that he did not receive any call letter for interview, whereas the others having lesser qualification received such call letters, is therefore, without any factual basis. It is not the case of the petitioner that ignoring his claim, the claim of any candidate of lesser merit was considered and any such candidate was appointed. The petitioner was way believed several others in the relative academic merit as he produced only Intermediate certificate in proof of educational qualification, whereas selections were made from only Graduates and Post-Graduates. It is always open for the petitioner to apply for and stake his claim for appointment standing in competition with others who are similarly placed as and when any fresh notification is issued by the respondent for filling up of the posts of Attenders. So far as the present writ petition is concerned, the plea of the petitioner is totally misconceived and hence, the writ petition is dismissed, being devoid of any merits. No order as to costs.

G.V. SEETHAPATHY,J

Dated 19th JULY 2006.
BSS